

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
EKATERINA LEVIN, :

Plaintiff, :

v. :

UNITED STATES LIFE INSURANCE COMPANY IN  
THE CITY OF NEW YORK, :

Defendants. :

----- X

1:06-cv-1544

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendant United States Life Insurance Company in the City of New York, by its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, respectfully shows this Court:

1. By complaint dated August 10, 2005, the above-entitled action was commenced against defendant in the Supreme Court of the State of New York, County of New York, and is now pending therein.
2. On January 4, 2006, the defendants were served with the complaint in the above-entitled action.
3. No further proceedings have been had in this action.
4. The plaintiff's complaint alleges that plaintiff has been injured by defendant's denial of plaintiff's claim for long term disability benefits pursuant to an insurance policy issued by defendant.

5. Although the plaintiff's complaint alleges that this matter involves a "breach of contract," the defendant's denial of plaintiff's claim is governed by the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1001-1461.
6. This Court has original jurisdiction of the above-entitled action on the basis of the existence of a federal question pursuant to 28 U.S.C. § 1331, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).
7. A copy of the complaint is attached as Exhibit A.
8. This notice is filed with this Court within thirty (30) days after service on the defendants in the above-entitled action.
9. Pursuant to 28 U.S.C. § 1446(d), simultaneously with the filing of the within Notice of Removal, defendants filed with the clerk of the Supreme Court of the State of New York, County of Queens, a Notice of Filing of Notice of Removal and served upon plaintiff's counsel a copy of same.

WHEREFORE, defendants pray that the above-entitled action be removed from the Supreme Court of the State of New York to this Court.

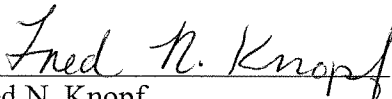
DEFENDANT

By: Fred N. Knopf  
Fred N. Knopf  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
3 Gannett Drive  
White Plains, New York 10604  
(914) 323-7000  
knopff@wemed.com  
File: 07478.00197

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, by first class mail, postage prepaid, this 3rd Day of February, 2006 to:

Harold Skovronsky  
Attorney for Plaintiff  
Ekaterina Levin  
1810 Avenue N  
Brooklyn, NY 11230  
(718) 336-8886

  
\_\_\_\_\_  
Fred N. Knopf

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
EKATERINA LEVIN,

Plaintiff

- against -

**AMENDED  
SUMMONS**

Index No. 112646 / 05  
PURCHASED 9/9/05  
Plaintiff designates New York  
County as the place of trial

The basis of the venue is  
defendant's place of business

1-4-06  
DL  
UNITED STATES LIFE INSURANCE COMPANY  
IN THE CITY OF NEW YORK,


Defendant  
-----X

To the above named Defendant

YOUR ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 10, 2005

Defendant's address:  
125 Maiden Lane  
New York, New York 10001

  
HAROLD SKOVRONSKY  
Attorney for Plaintiff  
1810 Avenue N  
Brooklyn, New York 11230  
(718) 336-8886

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
EKATERINA LEVIN,

Plaintiff

— against —

UNITED STATES LIFE INSURANCE COMPANY  
IN THE CITY OF NEW YORK,

Defendant.  
-----X

AMENDED  
COMPLAINT

Index no. 112646/05

The plaintiff, complaining of the defendant by her attorney, alleges:

1. The defendant is an insurance company authorized to conduct business, and which in fact conducts business, in the State of New York.
2. At the times relevant herein, World Epsilon Enterprises, Inc., ("WEE") was a corporation incorporated in the State of New York.
3. In or about February 1997 the defendant issued to WEE a group long-term disability benefits policy which provided for payment of specified monthly disability benefits to WEE employees who became disabled and who otherwise qualified under terms of the policy.

4. At times relevant herein, the plaintiff was an employee of WEE.
5. In year 2000 the plaintiff became disabled.
6. The plaintiff thereupon filed a claim for disability benefits.
7. The defendant approved the claim, paying benefits to the plaintiff from October 2000 to July 2003.
8. Thereafter, the defendant failed and refused to pay further benefits to the plaintiff.
9. The plaintiff duly demanded continued payment of benefits and provided all requisite data and documentation.
10. Defendant's failure to pay benefits after July 2003 is wrongful and in breach of the insurance contract.

WHEREFORE, the plaintiff demands judgment declaring her entitlement to disability benefits; ascertaining the amount due until date of judgment; and awarding all benefits due, together with interest, costs, disbursements, and such other relief as may be just.

Dated: August 10, 2005

HAROLD SKOVRONSKY



Attorney for Plaintiff

1810 Avenue N

Brooklyn, New York 11230

(718) 336-8886

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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**COMPLAINT**

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